IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

MONDAY, THE 26TH NOVEMBER 2007 / 5TH AGRAHAYANA 1929

WP(C).No. 34330 of 2007(Y)

PETITIONER:

K.A.JELTON, GOVT. CONTRACTOR,
KIZHAKKEVEETTIL HOUSE, KANNAMALY PO,
KOCHI-8.

BY ADV. SRI.BABU JOSEPH KURUVATHAZHA
SMT.A.KUMARI MINI

RESPONDENTS:

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1. THE SUPERINTENDING ENGINEER,
IRRIGATION SOUTH CIRCLE, THIRUVANANTHAPURAM.

2. THE EXECUTIVE ENGINEER,
IRRIGATION DIVISION, ALAPPUZHA.

BY GOVERNENT PLEADER SRI. BENJAMIN PAUL

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 26/11/2007, ALONG WITH WPC NO. 34336 OF 2007 WPC NO. 34342 OF 2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J

W.P.(C)s. 34330, 34336 & 34342/2007

Dated this the 26th day of November, 2007

JUDGMENT

The petitioners are contractors. It is submitted that in response of Ext.P1 tender notice, they want to submit their tenders. It is submitted that as against each of the tenders invited in Ext.P1, they have to make earnest money deposit and that substantial amounts are due from the respondents and that the said amounts should be adjusted against the earnest money deposit that the tenderers are required to make in terms of Ext.P1. For this purpose petitioners are relying on Exts.P3 to P5 judgment of this Court wherein similar relief has been granted.

2. On instructions, learned Government Pleader submits that in so far as the petitioner in W.P.(C). 34330/2007 and 34336/2007 is concerned, the amounts are due for payment. It is submitted that in so far as the

petitioner in W.P.(C).34330/2007 is concerned an amount of Rs.13,39,965/- and in so far as W.P.(C). 34336/2007 is concerned, an amount of Rs.8,20,272/- is liable to be paid. It is also submitted that in so far as the petitioner in W.P.(C).34342/2007 is concerned no amount is payable.

3. In view of the above and also in the light of the judgments relied on by the petitioners wherein similar relief has been granted, I dispose of this writ petition with the following directions.

(i). In so far as the petitioner in W.P.(C).34330 and 34336/2007 is concerned, in view of the admitted fact that substantial amounts are due to him, the respondents shall adjust the amount that is available for payment towards the EMD prescribed in Ext.P1 tender notice issued by them to the extent that money is due for refund.

(ii). In so far as the petitioner in W.P.(C). 34342/2007 is concerned, in view of the

submissions that no amount is payable, petitioner is not entitled to any relief.

4. Accordingly, Writ Petition Nos.34330/2007 and 34336/2007 will stand disposed of as above and Writ Petition No.34342/2007 will stand dismissed.

ANTONY DOMINIC
Judge

mrcs